

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, PARAGRAPH (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, PALM BEACH COUNTY CODE (CODIFYING ORDINANCE NO. 2004-072); AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT) TO INCLUDE THE CITY OF PAHOKEE, THE CITY OF SOUTH BAY AND THE CITY OF BELLE GLADE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR EFFECTIVENESS.

WHEREAS, Chapter 26, Article II, Division 3, of the Palm Beach County Code, in accordance with the authority set forth in Section 125.01(1)(q) and (r), Florida Statutes, established municipal service taxing units (MSTUs) to provide fire protection, fire-rescue, advanced life support (or similar emergency services), code enforcement, and other services necessary and incidental to the purpose for which the MSTUs were created; and

WHEREAS, the "Fire/Rescue MSTU" encompasses unincorporated areas of Palm Beach County and areas within the municipal boundaries of municipalities that have opted to join the MSTU pursuant to Section 125.01(1)(q), Florida Statutes; and

WHEREAS, the Board of County Commissioners desires to amend the boundaries of the Fire/Rescue MSTU to include the properties within the municipal boundaries of the City of Pahokee, the City of South Bay and the City of Belle Glade, which areas are not currently within a fire-rescue MSTU; and

WHEREAS, although the geographic areas within the Cities of Pahokee, South Bay and Belle Glade are not contiguous with the geographic area that presently comprises the Fire/Rescue MSTU, the service delivery needs within these cities is consistent with that in the Fire/Rescue MSTU and inclusion of these cities within the Fire/Rescue MSTU will permit a consistency of services throughout said MSTU. Accordingly, the Board of County Commissioners determines that it is reasonable and in the best public interest to permit the City of Pahokee, the City of South Bay and the City of Belle Glade to opt into the Fire/Rescue MSTU.

WHEREAS, in accordance with Section 125.01(1)(q), Florida Statutes, the City of Pahokee adopted Ordinance No. 2005-06 consenting to its inclusion in the Fire/Rescue MSTU; the City of South Bay adopted Ordinance No. 13-2005 consenting to its inclusion in the Fire/Rescue MSTU; and the City of Belle Glade adopted Ordinance No. 05-30 consenting to its inclusion in the Fire/Rescue MSTU; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Section 26-51, paragraph (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code is hereby amended to read as follows:

“(b) The boundaries of the Fire/Rescue MSTU shall be as follows:

Beginning at the water's edge of the Atlantic Ocean and the Southern line of Palm Beach County; thence

- (1) Westerly along the South line of Palm Beach County to the Southwest corner of Section 30, Township 47 South, Range 41 East; thence
- (2) Northerly along the West line of said section 30 and the West line of Section 19, Township 47 South, Range 41 East to the intersection with the Easterly right-of-way line of South Florida Water Management District Levee L-40; thence
- (3) Northeasterly and Northerly along the Eastern right-of-way of said Levee L-40 to the center line of State Road 80; thence
- (4) Westerly along the center line of State Road 80 to the intersection of the center line of US Highway 98; thence
- (5) Northwesterly along the center line of US Highway 98 to the West line of Range 40 East; thence
- (6) Northerly along the West line of Range 40 East to the Northeast corner of Section 01, Township 43 South, Range 39 East; thence
- (7) Easterly along the South line of Section 36, Township 42 South, Range 39 East to the Southeast corner of said Section 36, Township 42 South, Range 39 East; thence
- (8) Northerly along the East line of Range 39 to the East quarter corner of Section 13, Township 42 South, Range 39 East; thence

- (9) Westerly through the centers of Section 13, 14 and 15 in Township 42 South, Range 39 East to the West line of said section 15; thence
- (10) Southerly along the East line of Section 16, Township 42 South, Range 39 East to the Northeasterly right-of-way line of Levee L-8; thence
- (11) Northwesterly along said Northeasterly right-of-way line to the intersection with the West line of Section 31, Township 41 South, Range 39 East; thence
- (12) Northerly along the West line of said Range 39 East to the North line of Palm Beach County; thence
- (13) Easterly along said North line to the water's edge of the Atlantic Ocean; thence
- (14) Southerly along said water's edge to the Point of Beginning;

Less therefrom all incorporated areas of Palm Beach County except those municipalities, and municipal boundaries thereof, which have opted, pursuant to the provisions of Section 125.01, Florida Statutes, in effect at such time, to become a part of the Fire/Rescue MSTU and been accepted, namely, the Town of Glen Ridge, the Town of Lake Clarke Shores, the Town of Cloud Lake, the Town of Juno Beach, the Village of Wellington, the Town of Haverhill, the Village of Royal Palm Beach, the City of Pahokee, the City of South Bay, the City of Belle Glade, and those hereinafter exercising such right.”

Section 2. Repeal of Laws in Conflict:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 4. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Captions:

The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 6. Effectiveness:

The provisions of this Ordinance shall become effective December 31, 2005, to be implemented for tax year 2006 for services beginning with fiscal year 2007. The inclusion of the City of Pahokee in the Fire/Rescue MSTU shall continue for the term identified in the City's Ordinance No. 2005-06, as it may be extended or otherwise modified by the City from time to time. The inclusion of the City of South Bay in the Fire/Rescue MSTU shall continue for the term identified in the City's Ordinance No. 13-2005, as it may be extended or otherwise modified by the City from time to time. The inclusion of the City of Belle Glade in the Fire/Rescue MSTU shall continue for the term identified in the City's Ordinance No. 05-30, as it may be extended or otherwise modified by the City from time to time.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach

County, Florida, on this the 20th day of December, 2005.

ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER

By: Judith C. [Signature]
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Sharon Bock [Signature]
County Attorney

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COMMISSIONERS

Commissioner John F. (Jeff) Koons
By: [Signature]
for Tony Masilotti, Chairman

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on DEC 20 2005
dated at West Palm Beach, Fla. on 1-18-2006
By: Judith C. [Signature]
Deputy Clerk
COUNTY CLERK
FLORIDA

FILED with the Department of State on the 23rd day of December, 2005.